

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CURRY, et al.,

Plaintiffs,

-v-

P&G AUDITORS AND CONSULTANTS, LLC, et al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 6985 (LTS) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

The parties have submitted competing proposals for the Notice of Pendency and Proposed Text Message (ECF No. 126), neither of which are entirely faithful to the both the policies of the Fair Labor Standards Act's collective suit provisions and the Court's instructions in its June 14, 2021 order granting in part Plaintiffs' motion for conditional certification pursuant to 29 U.S.C. § 216(b). (ECF No. 122).

Accordingly, on **Thursday, August 5, 2021, at 10:00 a.m.** the Court will conduct a conference in-person in Courtroom 18A, 500 Pearl Street, New York, New York, to finalize the language of the Notice of Pendency and Proposed Text message. No later than **Tuesday, August 3, 2021**, the parties shall submit a single version of the Notice of Pendency, reflecting, within that single document, the parties' respective proposals for each section of the Notice of Pendency, and a single version of the Proposed Text Message, reflecting the parties' respective proposals. This submission shall be without argument; the Court will give the parties the opportunity to explain their respective positions during the Conference.

The Court also encourages the parties to revisit their respective proposals for the language of the Notice of Pendency and Proposed Text Message, with the aim of minimizing the number of disputes and ensuring that the final language is simple and clear, without unnecessary, argumentative, or misleading verbiage. See Whitehorn v. Wolfgang's Steakhouse, Inc., 767 F. Supp. 2d 445, 450 (S.D.N.Y. 2011) (explaining that proposed notices that are “‘unduly argumentative, meant to discourage participation in the lawsuit, or are unnecessary or misleading’ should be rejected”) (quoting In re Milos Litig., No. 08 Civ. 6666 (LBS), 2020 WL 199688, at \*2 (S.D.N.Y. Jan. 11, 2020)); Fasanelli v. Heartland Brewery, Inc., 516 F. Supp. 2d 317, 323 (S.D.N.Y. 2007) (noting FLSA’s requirement that proposed notice provide “accurate and timely notice concerning the pendency of the collective action, so that [potential plaintiffs] can make informed decisions about whether to participate”).

Dated: New York, New York  
July 21, 2021

SO ORDERED

A handwritten signature in cursive script, appearing to read "Sarah L. Cave", is written over a horizontal line.

SARAH L. CAVE

United States Magistrate Judge